

REMARKS

Applicants gratefully acknowledge withdrawal of the 112 rejection of record. In an effort to place the claims in better condition for allowance or consideration upon appeal, Applicants respectfully request entry of the above-indicated amendments. These amendments were not earlier presented because they are in response to helpful suggestions contained within the Office Action of January 8, 2010. For example, as Examiner correctly indicated, up to this point Claim 1 did not specify that the method involves ethyl esters of PUFAs. Claim 1 is here amended to insert claim limitations specifically requiring that the method involves ethyl esters of PUFAs and further that the process is a method of deodorizing from fishy taste. Applicants submit that these amendments are fully supported by original disclosure, including at page 2, lines 32-35 regarding deodorizing fishy taste, and page 3, lines 15-24 regarding ethyl esters of PUFAs.

Applicants respectfully request entry of these amendments, which were made in light of the helpful points provided by the Examiner in the Office Action. Upon entry of these amendments, Applicants respectfully request reconsideration and withdrawal of the final rejection in light of these amendments and the following remarks.

Applicants stress that the invention as defined in Claim 1, the broadest claim, relates to *a method of stabilizing and deodorizing from fishy taste ethyl ester concentrates of polyunsaturated fatty acids (PUFAs) which contain more than 50% of PUFA ethyl ester(s)* and thereby provides a method that eliminates an unpleasant product characteristic in a nutritionally important food oil. Applicants method thus confronted and overcame the problem of eliminating unpleasant fishy taste, both initially after processing, *and* upon low temperature storage.

It must initially be stressed that PUFA ethyl esters have been observed to be less stable to oxidation and much more sensitive with respect to the development of fishy taste than prior art marine oils, viz. PUFA triglycerides. Applicants additionally

determined that they achieved a lasting deodorization of such ethyl ester concentrates according to the invention by adding the complete anti-oxidant mixture (rosemary or sage extract, ascorbyl palmitate and tocopherols) to the ester concentrate **before** the deodorization process.

Claims 1-14 and 16-21 were rejected under 35 USC §103(a) over Kendrick (EP 0999259) in view of Going (US 3,186,854) taken in view of Haroldsson and the admitted state of the prior art for reasons of record.

Applicants respectfully submit that when the references cited by the Examiner, taken alone or in combination with each other, are reviewed they do not support the alleged rejection. Kendrick, the primary reference of the rejection does not relate to ethyl esters of PUFAs at all, but instead concerned triglyceride esters as conceded by the Examiner. Applicants submit that one skilled in the art, when confronting the problem of deodorizing from fishy taste ethyl esters would not have found within Kendrick any teaching or suggestion to practice the method of the invention. Nothing in Kendrick teaches or suggests that an ethyl ester of PUFAs should be combined with the complete described package of rosemary or sage extract, ascorbyl palmitate and tocopherols **before** the deodorization process.

The combination of Kendrick and Going does not provide any additional useful teaching or suggestion to add the complete described package to ethyl esters of PUFAs **before** the deodorization process. Even if Going were to be combined for its provision of additional information regarding a crystallization inhibitor Going describes efforts to solve a cold stability issue in a described range of **vegetable oils** (i.e. for home cooking use). Nothing in the combined disclosures of Kendrick & Going would provide a teaching or motivation to select a specific crystallization inhibitor used in **vegetable oils** as a measure to stabilize ethyl esters of PUFAs against reoccurrence of fishy taste. Going was dealing with cold stability in **vegetable oils**. Accordingly, the proposed combination of Kendrick & Going , if made at all, would not overcome Kendrick's deficiency regarding timing for the addition of the complete specified package of

rosemary or sage extract, ascorbyl palmitate and tocopherols **before** the deodorization process and then marries to it Going's misdirected focus on cold stability of **vegetable oils**.

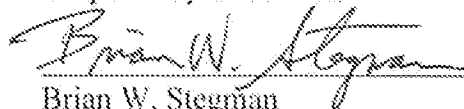
The Examiner next pointed to Haraldsson and Applicants own disclosure for the proposition that ethyl esters of polyunsaturated fatty acids are known, a point which Applicants concede. Applicants responded that Haraldsson discloses the transesterification of triglyceride fish oils in the presence of various lipases. However, nothing in Haraldsson alludes to an odor problem related to the various enzymatically produced mixtures of desirable esters and range of byproducts thus obtained. Accordingly, Haraldsson does not even appreciate the problem which Applicants have overcome with the present invention.

The Examiner responded that "Further the claims are not directed to a method of creating or diminishing odor". Applicants note in reply that they have amended the claims above to specify that they define a "method of stabilizing and deodorizing from fishy taste ethyl esters of PUFAs".

In light of the above Amendments and Remarks, Applicants respectfully request withdrawal of rejections of record and early allowance of the claims. A separate Petition for Extension of Time is being filed herewith along with the required fee. If additional fees are deemed to be due, however, the Commissioner is authorized to charge any fees, or credit any overpayment, to Deposit Account No. 50-4255.

Date June 18, 2010

Respectfully submitted,



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